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09500HB5492ham002

LRB095 15957 DRJ 47892 a

1 AMENDMENT TO HOUSE BILL 5492

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5492 by replacing  
3 lines 10 through 23 on page 1 and lines 1 through 4 on page 2  
4 with the following:

5 "Abuse" means any physical or mental injury or sexual  
6 abuse inflicted on a vulnerable adult by a hospital employee  
7 other than by accidental means.

8 "Accidental" means unplanned or unexpected occurrences  
9 without intention or will.

10 "Allegation" means any assertion, complaint, or suspicion  
11 that abuse or neglect of a vulnerable adult may have occurred.

12 "Employee" means any paid or retained person,  
13 administrator, or agent, any contracted, subcontracted, or  
14 independently contracted person, any volunteer, and any other  
15 person who works in an FEC who might have contact with  
16 patients.

17 "FEC" means a Freestanding Emergency Center licensed under  
18 Section 32.5.

1       "Mental injury" means harm arising from conduct by an  
2 employee, including but not limited to the use of words,  
3 gestures, and signs that are disparaging, derogatory,  
4 humiliating, harassing, offensive, or threatening, or that  
5 could precipitate emotional distress.

6       "Neglect" means failure by an FEC or any of its employees  
7 to provide adequate medical or other care, including personal  
8 maintenance, which failure results in physical or mental injury  
9 to a vulnerable adult or results in the deterioration of a  
10 vulnerable adult's physical or mental condition.

11       "Physical injury" means physical harm to an individual  
12 caused by any non-accidental act or omission.

13       "Sexual abuse" means any act of sexual contact, sexual  
14 penetration, sexual coercion, or sexual exploitation of an  
15 individual.

16       "Vulnerable adult" means an individual who (i) is 18 years  
17 of age or older, (ii) regardless of his or her mental capacity,  
18 has or is suspected of having a physical disability, or a  
19 mental or developmental disability as defined in the Mental  
20 Health and Developmental Disabilities Code, and (iii) is  
21 receiving, is requesting, or may be in need of hospital  
22 services, including evaluation for a determination of service  
23 needs."; and

24 on page 3, by replacing lines 4 through 22 with the following:

25       "(d) Any person required to report under subsection (c) who

1 witnesses, suspects, discovers, is told of, or has reason to  
2 believe that a vulnerable adult may have been abused or  
3 neglected, or both abused and neglected, within an FEC shall  
4 immediately, but in no event later than 4 hours after  
5 discovery, report such allegations to the Department. FEC  
6 employees shall immediately report all allegations to their  
7 administrations according to the facility's internal  
8 procedures. All reports from FECs to the Department must be  
9 made by telephone to the Department's Central Complaint  
10 Registry. A written report must be submitted to the Department  
11 within 24 hours after the call. No FEC administrator, agent, or  
12 employee, nor any other person, may screen reports or otherwise  
13 withhold reports from the Department, and no FEC shall  
14 establish criteria, guidelines, rules, procedures, or policies  
15 that alter or unreasonably delay reports to the Department. The  
16 Department shall investigate every allegation of abuse or  
17 neglect, or both, of a vulnerable adult received by the  
18 Department pursuant to its administrative rules (177 Ill.  
19 Admin. Code 400). Under no circumstances may a hospital's  
20 internal review of an allegation of abuse or neglect, or both,  
21 of a vulnerable adult under subsection (e) replace an  
22 investigation of the allegation by"; and

23 by replacing lines 24 through 26 on page 3 and lines 1 through  
24 18 on page 4 with the following:

25 "Findings of abuse or neglect, or both, shall be subject to

1 the Department's Health Care Worker Registry pursuant to the  
2 Health Care Worker Background Check Act.

3 (e) In every event the FEC shall, upon receipt of any  
4 allegation, promptly conduct an internal review to ensure the  
5 alleged victim's safety. Internal reviews may follow  
6 established FEC grievance procedures, but shall in no way  
7 conflict with reporting to the Department as required under  
8 subsection (d). Measures to protect an alleged victim shall be  
9 taken as deemed necessary by the facility's administration and  
10 may include, but need not be limited to, removing suspected  
11 violators from further patient contact during the internal  
12 review or during pendency of the Department's investigation.  
13 All internal reviews are to be conducted by a designated FEC  
14 employee or agent who is qualified to detect abuse and neglect  
15 and is not involved in the alleged victim's treatment and has  
16 no other appearance of a conflict of interest. All internal  
17 review findings must be documented and filed according to  
18 facility procedures and shall be made available to the  
19 Department. All internal review files, including information  
20 regarding the disposition of each report, shall also be made  
21 available, subject to confidentiality requirements, to the  
22 Illinois Guardianship and Advocacy Commission, the agency  
23 designated by the Governor pursuant to the Protection and  
24 Advocacy for Developmentally Disabled Persons Act, and any  
25 other agency or legal representative in the course of  
26 monitoring or investigating rights protections for recipients

1 of services.

2 (f) Every FEC shall ensure that all employees are trained  
3 within one month of hire in the detection and reporting of  
4 abuse and neglect of vulnerable adults and retrained every 2  
5 years thereafter."; and

6 on page 6, by replacing lines 4 through 19 with the following:

7 "Abuse" means any physical or mental injury or sexual  
8 abuse inflicted on a vulnerable adult by a hospital employee  
9 other than by accidental means.

10 "Accidental" means unplanned or unexpected occurrences  
11 without intention or will.

12 "Allegation" means any assertion, complaint, or suspicion  
13 that abuse or neglect of a vulnerable adult may have occurred.

14 "Employee" means any paid or retained person,  
15 administrator, or agent, any contracted, subcontracted, or  
16 independently contracted person, any volunteer, and any other  
17 person who works in a hospital who might have contact with  
18 patients.

19 "Mental injury" means harm arising from conduct by an  
20 employee, including but not limited to the use of words,  
21 gestures, and signs that are disparaging, derogatory,  
22 humiliating, harassing, offensive, or threatening, or that  
23 could precipitate emotional distress.

24 "Neglect" means failure by a hospital or any of its  
25 employees to provide adequate medical or other care, including

1 personal maintenance, which failure results in physical or  
2 mental injury to a vulnerable adult or results in the  
3 deterioration of a vulnerable adult's physical or mental  
4 condition.

5 "Physical injury" means physical harm to an individual  
6 caused by any non-accidental act or omission.

7 "Sexual abuse" means any act of sexual contact, sexual  
8 penetration, sexual coercion, or sexual exploitation of an  
9 individual.

10 "Vulnerable adult" means an individual who (i) is 18 years  
11 of age or older, (ii) regardless of his or her mental capacity,  
12 has or is suspected of having a physical disability, or a  
13 mental or developmental disability as defined in the Mental  
14 Health and Developmental Disabilities Code, and (iii) is  
15 receiving, is requesting, or may be in need of hospital  
16 services, including evaluation for a determination of service  
17 needs."; and

18 by replacing lines 20 through 26 on page 7 and lines 1 through  
19 12 on page 8 with the following:

20 "(d) Any person required to report under subsection (c) who  
21 witnesses, suspects, discovers, is told of, or has reason to  
22 believe that a vulnerable adult may have been abused or  
23 neglected, or both abused and neglected, within a hospital  
24 shall immediately, but in no event later than 4 hours after  
25 discovery, report such allegations to the Department. Hospital

1 employees shall immediately report all allegations to their  
2 administrations according to the facility's internal  
3 procedures. All reports from hospitals to the Department must  
4 be made by telephone to the Department's Central Complaint  
5 Registry. A written report must be submitted to the Department  
6 within 24 hours after the call. No hospital administrator,  
7 agent, or employee, nor any other person, may screen reports or  
8 otherwise withhold reports from the Department, and no hospital  
9 shall establish criteria, guidelines, rules, procedures, or  
10 policies that alter or unreasonably delay reports to the  
11 Department. The Department shall investigate every allegation  
12 of abuse or neglect, or both, of a vulnerable adult received by  
13 the Department pursuant to its administrative rules (177 Ill.  
14 Admin. Code 400). Under no circumstances may a hospital's  
15 internal review of an allegation of abuse or neglect, or both,  
16 of a vulnerable adult under subsection (e) replace an  
17 investigation of the allegation by"; and

18 by replacing lines 14 through 26 on page 8 and lines 1 through  
19 8 on page 9 with the following:

20 "Findings of abuse or neglect, or both, shall be subject to  
21 the Department's Health Care Worker Registry pursuant to the  
22 Health Care Worker Background Check Act.

23 (e) In every event the hospital shall, upon receipt of any  
24 allegation, promptly conduct an internal review to ensure the  
25 alleged victim's safety. Internal reviews may follow

1 established hospital grievance procedures, but shall in no way  
2 conflict with reporting to the Department as required under  
3 subsection (d). Measures to protect an alleged victim shall be  
4 taken as deemed necessary by the facility's administration and  
5 may include, but need not be limited to, removing suspected  
6 violators from further patient contact during the internal  
7 review or during pendency of the Department's investigation.  
8 All internal reviews are to be conducted by a designated  
9 hospital employee or agent who is qualified to detect abuse and  
10 neglect and is not involved in the alleged victim's treatment  
11 and has no other appearance of a conflict of interest. All  
12 internal review findings must be documented and filed according  
13 to facility procedures and shall be made available to the  
14 Department. All internal review files, including information  
15 regarding the disposition of each report, shall also be made  
16 available, subject to confidentiality requirements, to the  
17 Illinois Guardianship and Advocacy Commission, the agency  
18 designated by the Governor pursuant to the Protection and  
19 Advocacy for Developmentally Disabled Persons Act, and any  
20 other agency or legal representative in the course of  
21 monitoring or investigating rights protections for recipients  
22 of services.

23 (f) Every hospital shall ensure that all employees are  
24 trained within one month of hire in the detection and reporting  
25 of abuse and neglect of vulnerable adults and retrained every 2  
26 years thereafter."